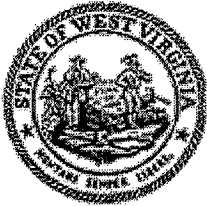


OFFICE OF THE SECRETARY OF STATE  
STATE OF WEST VIRGINIA



Betty Ireland  
Secretary of State

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305  
Telephone: 304-558-6000  
Toll Free: 866-SOS-VOTE  
www.wvsos.com

LEGAL NOTICE

Ronald D. Lawson, Clerk  
United States District Court  
Southern District of West Virginia  
300 Virginia Street East #2400  
Charleston, WV 25301-2523

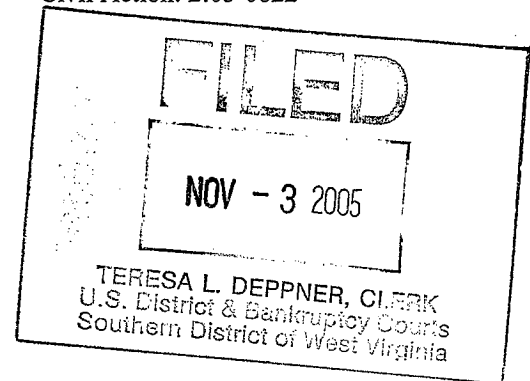
October 31, 2005

Civil Action: 2:05-0822

I am enclosing:

- ☐ summons
- ☐ notice
- ☐ order
- ☐ petition
- ☐ motion
- ☐ interrogatories
- ☐ suggestions
- ☐ subpoena duces tecum
- ☐ summons and complaint
- ☐ 3rd party summons and complaint
- ☐ summons returned from post office
- ☒ 1 certified return receipt

- ☒ 1 original
- ☐ affidavit
- ☐ answer
- ☐ cross-claim
- ☐ counterclaim
- ☐ request
- ☐ demand
- ☐ default judgement
- ☐ complaint
- ☐ notice of mechanic's lien
- ☐ suggestee execution
- ☐ summons and amended complaint



which was served on the Secretary at the State Capitol in her capacity as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of White Mountain Mining Co., LLC.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about these documents directly to the court or to the plaintiff's attorney, shown in the enclosed paper. Please do not call the Secretary of State's office.*

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki Haught".

Vicki Haught  
Manager

AO 440 (Rev. 8/01) | SDWV/CIV-004 (4/05) Summons in a Civil Action

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

AMERICAN METALS & COAL  
INTERNATIONAL, INC., a Delaware  
corporation,

Plaintiff,

V.

WHITE MOUNTAIN MINING CO., LLC,  
a West Virginia limited liability company;  
and APACHE MINING CO., L.L.C., a  
West Virginia limited liability company,

Defendants.

SUMMONS IN A CIVIL ACTION

CIVIL ACTION No. 2:05-cv-00822

TO [Name and address of defendant]:

WHITE MOUNTAIN MINING CO., LLC  
c/o Joseph C. Phillips  
109 Appalachian Drive  
Beckley, WV 25801

YOU ARE HEREBY SUMMONED and required to serve on [Name and address of Attorney(s) for Plaintiff(s)]:

Brian A. Glasser (WVSB # 6597)  
Bailey & Glasser, LLP  
227 Capitol Street  
Charleston, WV 25301

A. B. Maloy (WVSB # 9305)  
Bailey & Glasser, LLP  
227 Capitol Street  
Charleston, WV 25301

an answer to the complaint which is served on you with this summons, within <sup>20</sup>~~60~~ days of service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TERESA L. DEPPNER, CLERK OF COURTS

DATE: OCT 11 2005

BY:

Engenia Berger  
DEPUTY CLERK

ACCEPTED FOR  
SERVICE OF PROCESS

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

2005 OCT 26 AM 11:12

SECRETARY OF STATE  
STATE OF WEST VIRGINIA

Address of Server

Signature of Server

Date

Executed on

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

## DECLARATION OF SERVER

TRAVEL

SERVICES

TOTAL \$0.00

## STATEMENT OF SERVICE FEES

☐ Other (specify):☐ Returned unexecuted:

Name of person with whom the summons and complaint were left:

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

☐ Served personally upon the defendant. Place where served:

Check one box below to indicate appropriate method of service

NAME OF SERVER (PRINT)

TITLE

Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

## RETURN OF SERVICE

2. Article Number:



7160 3901 9848 9218 4745

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

2:05-0822

White Mountain Mining Co., LLC

Joseph C Phillips

109 Appalachian Drive

Beckley, WV 25801

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

Andrea S. Lynch 10-28-05

C. Signature

X *Andrea S. Lynch*☐ Agent☐ AddresseeD. Is delivery address different from item 1?  
If YES, enter delivery address below:☐ Yes☐ No

PS Form 3811, July 2001

Domestic Return Receipt